

HOUSE BILL 3432

By Matlock

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 86; Title 38 and Title 65, relative to the provision of caller locations in emergency situations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Kelsey Smith Act".

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following as a new part:

38-1-601. As used in this part, unless the context otherwise requires:

(1) "Department" means the department of commerce and insurance; and

(2) "Wireless telecommunications service provider" means a provider of commercial mobile radio service as defined by 47 CFR 20.3.

38-1-602.

(a) Upon request of a law enforcement agency, a wireless telecommunications service provider shall provide call location information concerning the telecommunications device of the user in order for the requesting law enforcement agency to respond to a call for emergency services or an emergency situation that involves the risk of death or serious physical harm. The wireless telecommunications service provider shall provide the most accurate call location available, given the technical and other limitations that may affect the accuracy of the call location information in the relevant area.

(b) The department shall obtain contact information for all wireless telecommunications service providers authorized to do business in this state in

order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

(c) When requested by a law enforcement agency, the public safety answering point of the enhanced 911 statewide system, authorized by Title 7, Chapter 86, Part 3, shall assist the agency to obtain call location information from wireless telecommunications service providers. Such assistance shall be provided only upon the requesting agency providing information establishing that the call location information is necessary to assist the agency in responding to an emergency situation that involves the risk of death or serious bodily injury.

38-1-603. No cause of action shall lie in any court against any wireless telecommunications service provider, its officers, employees, agents, or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this part. A wireless telecommunications service provider shall not be obligated to make an affirmative determination that the requesting law enforcement agency or public safety answering point has met the threshold requirements of this part.

38-1-604. The commissioner of commerce and insurance shall adopt rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, relative to the notice and disclosure requirements provided in this part.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.